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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TATYANA EVGENIEVNA
DREVALEVA,

Plaintiff,

v.
U.S. DEPARTMENT OF
VETERANS AFFAIRS, *et al.*,

Defendants.

No. C 18-03748 WHA

**ORDER DENYING MOTION
FOR JUDICIAL RECUSAL
AND REFERRING MOTION
TO DISQUALIFY TO ANOTHER
DISTRICT JUDGE FOR DECISION**

Pursuant to 28 U.S.C. § 144, *pro se* plaintiff Tatyana Evgenievna Drevaleva has filed an affidavit claiming that the undersigned judge “has a bias and prejudice towards the Plaintiff and acts in favor of the opposing Party” (Dkt. No. 102). Section 144 states:

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

The undersigned judge declines to recuse himself on grounds of bias and remains determined to give the *pro se* plaintiff fair hearings and proceedings. The rulings complained

United States District Court

For the Northern District of California

1 of were decided on their merits, not on account of any bias against plaintiff. Treating the
2 motion, in the alternative, as a motion to disqualify the undersigned judge, the motion shall be
3 randomly assigned to another district judge for decision. Accordingly, the Clerk shall randomly
4 reassign the motion to be heard by another district judge. All pending motions are **STAYED**
5 pending resolution of the motion (Dkt. No. 86, 96, 99, 124, 126). The March 21 and April 4
6 hearings are **VACATED** and may be re-noticed following resolution of the motion for recusal.

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8 **IT IS SO ORDERED.**

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10 Dated: February 25, 2019.

Wm. Alsup
11 WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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